

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DEUTSCHE BANK TRUST COMPANY AMERICAS, in its capacity as successor indenture trustee for certain series of Senior Notes, *et al.*,

Plaintiffs,

v.

SOWOOD ALPHA FUND LP, *et al.*,

Defendants.

C.A. No. 11-618 GMS

PLAINTIFFS' STATEMENT PURSUANT TO BANKRUPTCY RULE 9027(e)(3)

Plaintiffs Deutsche Bank Trust Company Americas, Law Debenture Trust Company of New York, and Wilmington Trust Company, in their capacity as successor indenture trustees (collectively, "Plaintiffs"), by and through their undersigned counsel, without conceding that Rule 9027 of the Federal Rules of Bankruptcy Procedure has any application to this action, file this statement pursuant to Rule 9027(e)(3) out of an abundance of caution in the event the Court deems Rule 9027 to be applicable.

Plaintiffs deny any allegation in the Notice of Removal that upon removal, this proceeding became a core proceeding. Specifically, Plaintiffs deny the allegation in paragraph 13 of the Notice of Removal that this action is a core proceeding for purposes of 28 U.S.C. § 157(b)(2). Further, Plaintiffs do not consent to the entry of final orders or judgment by a bankruptcy judge.

Plaintiffs are not required to admit or deny any other allegation in the Notice of Removal, and nothing herein shall constitute an admission of any other allegation in the Notice of

Removal, including, without limitation, the allegation that there is federal bankruptcy jurisdiction over this action pursuant to 28 U.S.C. § 1334.

ASHBY & GEDDES

/s/Andrew D. Cordo

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